

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT MITCHELL,

Plaintiff,

v.

M. DRAGOO et al.,

Defendants.

CASE NO. C10-5436 RBL/JRC

ORDER DENYING PLAINTIFF'S
MOTION TO EXTEND DISCOVERY

This 42 U.S.C. §1983 civil rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and(B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4.

Before the court is plaintiff's motion to extend discovery (ECF No. 19). The motion was filed 27 days after the discovery deadline had past. Defendants oppose the motion because plaintiff did not seek any discovery during the months discovery was open (ECF No. 20 and 23). Further, the motion to extend the deadline is untimely. Plaintiff has not demonstrated his failure to move for an extension prior to the deadline was due to "excusable neglect" pursuant to Fed. R. Civ. P. 6 (b), which reads in relevant part as follows:

1 (b) Extending Time.

2 (1) In General. When an act may or must be done within a specified time, the court may,
3 for good cause, extend the time:

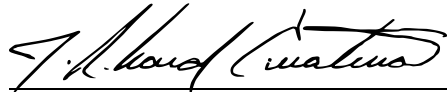
4 (A) with or without motion or notice if the court acts, or if a request is made, before the
5 original time or its extension expires; or

6 (B) on motion made after the time has expired if the party failed to act because of
7 excusable neglect.

8 Pro se prisoners, like other civil litigants, are required to comply with both the federal
9 civil and local court rules of civil procedure, notwithstanding the court's obligation "to make
10 reasonable allowances for pro se litigants and to read pro se papers liberally." McCabe v. Arave,
11 827 F.2d 634, 640 n. 6 (9th Cir.1987). Plaintiff has failed to demonstrate that he is entitled to
12 relief from the discovery cutoff deadline,

13 The motion is DENIED. The Clerk of Court is directed to send a copy of this Order to
14 plaintiff and remove (ECF No. 19) from the calendar.

15 DATED this 18th day of May 2011.

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19 J. Richard Creatura
20 United States Magistrate Judge
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